

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GEORGE BOLTON, et al.,  
Plaintiffs,

v.

AIR & LIQUID SYSTEMS  
CORPORATION, et al.,  
Defendants.

Case No. 12-cv-00723-CRB (JSC)

**ORDER RE: JOINT DISCOVERY  
LETTER BRIEF**

Re: Dkt. No. 43

Now pending before the Court is the parties' Joint Discovery Letter Brief regarding the production of claims documents. (Dkt. No. 43) After carefully considering the briefing, the Court concludes that oral argument is unnecessary, *see* Civ. L.R. 7-1(b), and hereby DENIES the request of Defendant Kelly-Moore Paint Company, Inc. ("Kelly-Moore") to compel Plaintiff to produce documents regarding Plaintiffs' asbestos bankruptcy trust claims.

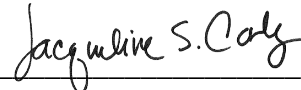
The Court's May 22, 2014 Order specifically stated that discovery was only reopened to allow Defendant "to take discovery regarding damages for the newly-added wrongful death claim." (Dkt. No. 35.) The Court subsequently clarified that this order "was not intended to permit Defendants to obtain discovery that was relevant and discoverable before the death of Mr. Bolton." (Dkt. No. 40.) Nonetheless, Kelly-Moore now seeks to compel production of documents which it admits it has sought discovery of from the "outset of this litigation" and on four separate occasions. (Dkt. No. 43 at 5.) Thus, by Kelly-Moore's own admission, this discovery was discoverable prior to the advent of Ms. Guenther's wrongful death claim and is beyond the scope of this Court's Orders. Moreover, Kelly-Moore admits that the MDL court specifically denied as untimely its request to compel production of such documents. (Dkt. No. 43, Ex. C.) That new bankruptcy claims may have been filed is of no moment. The MDL court ruled that Kelly-Moore

sought the bankruptcy claims documents after the discovery deadline. Finally, Kelly-Moore had ample opportunity to conduct discovery on Mr. Bolton's asbestos exposure; his death is not a reason to allow Defendants to obtain what they could have sought earlier. Accordingly, Kelly-Moore's motion to compel is DENIED.

This Order disposes of Docket No. 43.

**IT IS SO ORDERED.**

Dated: June 30, 2014



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JACQUELINE SCOTT CORLEY  
United States Magistrate Judge